

REMARKS

Claims 13-16, 20-22, 43, 44, 46, 47, 49, 50, 53-60, 62-71, 73-75 and 77-79 presently appear in this case. Claims 47, 62-64, 70 and 71 have been allowed. Claims 46, 50, 53, 56-58, 65-68, 73-75 and 77-79 have been objected to as being dependent from a rejected base claim, but would be allowable if rewritten in independent form. The remaining claims have been rejected. The official action of September 21, 2006, has now been carefully studied. Reconsideration and allowance are hereby respectfully urged.

Briefly, the present invention relates to DNA sequences that encode polypeptides that bind to TRAF2 as well as the polypeptides encoded by those DNA sequences. Preferably, the polypeptide is NIK. The invention also relates to antibodies, methods of identification and screening, and anti-sense DNA.

Claims 13-16, 20-22, 43, 44, 49, 54-55, 59, 60 and 69 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The only part of the claims that the examiner has indicated to be objectionable is the recitation of "fragments." The examiner states that there is no clear structural correlation between the members of the claimed genus of fragments and the asserted function. Moreover, the examiner states that the

genus of "activities" encompassed by the instant claims is so nebulous that the "activities" of NF- κ B could possibly encompass a broad range of undefined activities not set forth in the specification as filed, such that the skilled artisan would not be able to discern which particular activity is either increased or inhibited by the claimed polypeptide comprising said fragments. This rejection is respectfully traversed.

While applicants continue to disagree with the examiner's position about the written description support for fragments, nevertheless, the claims have now been amended to delete all reference to fragments, so as to place the case into condition for allowance. This amendment is explicitly made without prejudice toward the continuation of prosecution of claims directed to such fragments in a continuing application.

Furthermore, in view of the examiner's comments about the genus of "activities," the claims have been amended to recite only the activity of binding to TRAF2. The claims no longer recite the additional activity of "and either exhibits or increases the activity of NF- κ B." Thus, the examiner's new rejection of this term as being nebulous has been obviated by its deletion. Binding to TRAF2 is a specific and substantial utility and is not nebulous.

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Accordingly, the sole rejection remaining in this case has been obviated by the deletion of the terms that have been objected to by the examiner. Accordingly, this rejection has now been obviated. Reconsideration and withdrawal thereof is respectfully urged.

Upon further consideration, applicant is no longer of the opinion that any of the present generic claims are drawn to the same invention as claimed in U.S. patent 5,843,721 or the invention as claimed in patent 5,844,073. It has been noted that during the prosecution of the applications that led to those two patents, the examiner explicitly found the analog species claimed in the two patents to be patentably distinct from NIK as disclosed in Malinin et al., *Nature*, 385:540-544 (1997), which is a publication of the present invention made after the effective filing date of the present application but prior to the effective filing date of the '721 or '073 patents. This publication is of record in this case by means of the information disclosure statement filed on December 18, 1998. Accordingly, applicant hereby withdraws the request for interference under 37 CFR §1.607 filed on February 9, 2001.

It is submitted that all of the claims now present in the case clearly define over the references of record and

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fully comply with 35 U.S.C. 112. Reconsideration and
allowance are therefore earnestly solicited.

Respectfully submitted,

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